



# PUBLIC ART DOCUMENTS



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sculpture, painted steel; Clyde Fant Parkway; Shreveport, Louisiana

# Public Art Documents

**T**here are several technical documents that must be part of any public art program.

All projects will use these documents, but revisions and refinements may be necessary to accommodate specific circumstances. Nonprofit or government agencies involved in public art programs will usually have access to legal help for documents such as contracts, and programs should certainly take advantage of these resources from the beginning.

## Call to Artists

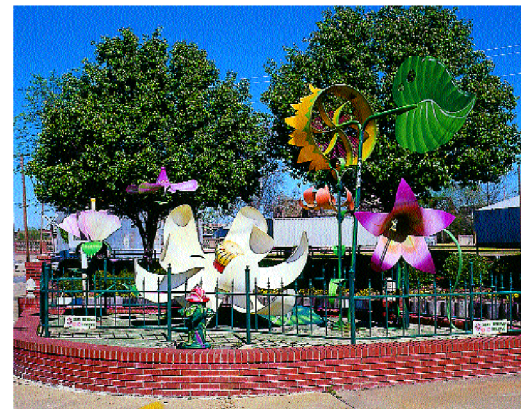
A call to artists is the document that fully describes a public art project. It's best to use a simple format that organizes as much information as possible in a sequential and orderly way. It's also a good idea to develop a standard format and make modifications as needed for individual projects. Some of the basic elements of a call to artists are

- u a description of the project and site
- u any relevant design criteria
- u an overview and schedule of the selection process,
- u the budget and schedule for implementing the project and
- u identification of stakeholders.

Some components of a program's standard call to artists format may not be relevant for every project, but administrators should carefully consider why each item was included in the standard format before eliminating it from the call for an individual project. If an item called for in a standard format seems extraneous at first, it may point out information that the administrator or the jury has not fully gathered, considered, or explored.

Here are a few suggestions that can help you get the best results from a call to artists.

- u *Make the format clean, simple, and easy to read.* No fancy fonts or complicated graphics are necessary. Use underlining and bold typeface for emphasis.
- u *Print the call to artists as economically and efficiently as possible.* Print on both sides of the paper and staple the package together. An elaborately designed and printed call will not necessarily generate more interest from artists or excitement in the community. Money saved by keeping the call to artists simple and economical can be put into other expenses, like the artist's budget!
- u *Print on colored paper.* This is an inexpensive way to attract attention, particularly if there are multiple projects in a short period of time. Often artists will remember getting "the green one" and not "the blue one," but they often



Edmund Williamson; Trenton Flowers; polychromed aluminum and steel; West Monroe, Louisiana

won't remember seeing anything printed on white paper.

- u *Always include a site or location map*, and strongly suggest that interested artists make a site visit before submitting letters of interest.
- u *Provide contact information*. Give the name, address, and phone number of the project administrator or agency contact person.
- u *Plan to host at least one information meeting for artists at a convenient time and place*. Even if only a few artists attend, it will be an opportunity for artists to come and talk with you, learn more about the project, and get answers to any questions they may have.
- u *Print more copies of the call than you expect to mail out*. Extra copies are helpful as handouts at public sessions, to have in your office, and to keep as project documentation.
- u *Be realistic in your scheduling and timetables*. Give artists about 4 to 6 weeks to submit information. Schedule the next jury meeting (when project finalists will be determined) for 2 to 4 weeks after the artists' submission deadline. Then allow 6 to 8 weeks for finalists to prepare project proposals, and schedule the final jury meeting for 2 to 3 weeks after the proposal deadline. These are general timetables that can be modified to meet the needs of the individual project or programs.
- u *Send the call to stakeholders as well as artists*. Sending a copy of the call with a cover letter or personal note to local politicians, neighborhood groups, agency representatives, jury members, media, design professionals, and anyone else who might be inter-

ested is a good way to maintain dialogue and contacts with relevant parties.

## Letters of Agreement

Letters of agreement (sometimes called memoranda of agreement) are used to document simple transactions. They usually reiterate something previously discussed and agreed on with another party (or parties), and they are usually short and concise. (For agreements that are more detailed, a contract is usually more appropriate.) They generally state what each party agrees to do and include a schedule.

Letters of agreement are useful to document and record expectations and agreements in the last stages of the selection process, when project finalists are asked to complete maquettes for jury consideration. When letters of agreement are used for this purpose, the terms of the final proposal, describing what the artist is expected to do and when, should be included in or attached to the letter. The letter should also include a statement to the effect that "failure to meet these specifications may result in the agency's demand for a return of funding advanced." There should be copies of the agreement for the artist, a representative of the public art agency, and any other parties involved in the agreement, and each party should sign each copy and receive one copy when all copies have been signed.

How binding are these letters of agreement? It depends on how aggressive you want to be in their enforcement. They may document what parties agree to do, but they don't necessarily guarantee that the parties will live up to the stated

obligations. Generally, letters of agreement are for smaller jobs, budgets, and matters of less consequence than would be documented in a more formal and detailed contract. Administrators may want to discuss this in greater detail with legal advisors and act accordingly.

## Project Budgets

Project budgets are a necessary part of what finalists must submit for jury consideration. Include as many line items and categories of expenditure as are necessary to describe fully what the project costs may be. Many artists may not have experience with such documents, but learning to complete a project budget is an important step in accurately projecting what their expenses will be. Public art administrators should be prepared to walk artists through the process of completing a project budget form. The administrator may need to help some artists identify all legitimate expenses (e.g., transportation, studio assistants, studio overhead, insurance, documentation, equipment rental, etc.) but may also need to question artists about the relevance of the expenses they do list. Learning to complete a budget can help artists when they get involved in subsequent projects, public art or otherwise.

Some of the line items project budgets typically include are materials, insurance, transportation to site, studio overhead, studio assistants, site preparation, consultants (structural or mechanical engineer, architect, landscape architect, lighting, etc.), artist's fee, documentation, rental of special equipment, gallery commission, and "other." The intent of this form (and the reason it must be filled out by the artist) is to



ensure that the artist fully considers all aspects of the project and what will be necessary to complete it. The administrator should impress upon the artist that *the budget is a firm amount and no additional money will be available*. Artists sometimes think that public art programs have access to additional money, and when they run out, the administrator can make more funds available. This is usually not the case. Administrators should be prepared to help artists build their budgets and to go over them more than once to ensure all expenses are included.

Administrators should go over budgets carefully before the jury meets so that they can point out specifics that will be helpful in understanding what has been submitted. An artist may prepare a beautiful maquette, but without an accurately detailed budget the project could be a disaster waiting to happen. Often artists will put all their energy and time into their designs and assume the financial details will take care of themselves. It is the jury's role to question the content of the budget, but often juries will assume that artists know what they're talking about in financial matters and consequently won't ask the penetrating and relevant questions. If they don't, the project administrator must ask these questions. Having studied the budget prior to the jury meeting, the administrator should note potential miscalculations and, if necessary, suggest that the artist review the figures before the jury's meeting. If there are items and amounts on the budget that you are not familiar with, make whatever calls are necessary to get current information and costs. The budget will ultimately be used as an attachment to the artist's contract. *The artist should understand that with the budget he or she is saying, "I can do this project for*

*this amount of money."*

## Artists' Contracts

An artist's contract may be the single most complicated document you will deal with in the public art process. It is the legal document that connects the public art project with the artist selected through the jury process. Like any other contract, it specifies who the parties to the agreement are, what they are agreeing to, under what terms (content, schedule, location, etc.) the agreement will be executed, and what rights and obligations each party has in the agreement. The contract should also specify what steps will be followed in unexpected circumstances (failure of the artist to execute the approved design, failure of the agency to pay the artist, failure of the artist to meet the approved schedule, etc.), the payment schedule, and anything else relevant to the project.

The contract should have as many attachments as necessary to fully describe the project, such as a site plan showing the exact artwork location, a visual representation of the artwork approved by the jury, and the project budget.

Financial penalties for noncompletion of work should be clearly and unambiguously described. In other words, if there will be a penalty for not completing the work on schedule or according to specifications, that penalty should be stated as a set amount rather than as a percentage of the final payment.

Payment schedules should be correlated with benchmarks of project completion, which should be clearly defined and enumerated in the contract. Generally the first payment is made upon signing the contract; all subsequent payments should be tied to the completion or execution of

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specific tasks. The administrator should determine what the payments will be and work with the artist to determine what the benchmark tasks will be. The New Orleans Percent for Art program has generally operated on a four-payment plan:

- u 50% of the budget is advanced to the artist upon signing the contract (the first payment);
- u 20% of the budget is paid upon completion of half the required work;
- u 15% of the budget is paid upon completion of the work; and
- u the remaining 15% is paid upon accepted installation (approved by all relevant parties) and submission of project documentation (usually a maintenance schedule, materials list, and any documentary photographs).

Although this schedule gives 70% of the project budget to the artist upon completion of only half the work, a large initial payment is usually required for the artist to purchase needed supplies and materials. If the final payment will be reduced for failure to complete the work on time and according to specifications, this must be clearly stated in the contract. The contract should also specify that, should the artist not complete the project as specified, the sponsoring agency reserves the right to pursue legal means to recover the total amount advanced through the contract.

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The administrator should offer to go over the contract with the artist and allow the artist time to consult with an attorney before signing. The artist should feel free to ask for clarification on any matter. There may be some details the artist or the artist's attorney wants explained, negotiated, or revised. While administrators should not make unreasonable concessions, they should welcome negotiation as an opportunity to make the contract a better agreement for both the program and the artist.

## Maintenance and Materials Summaries

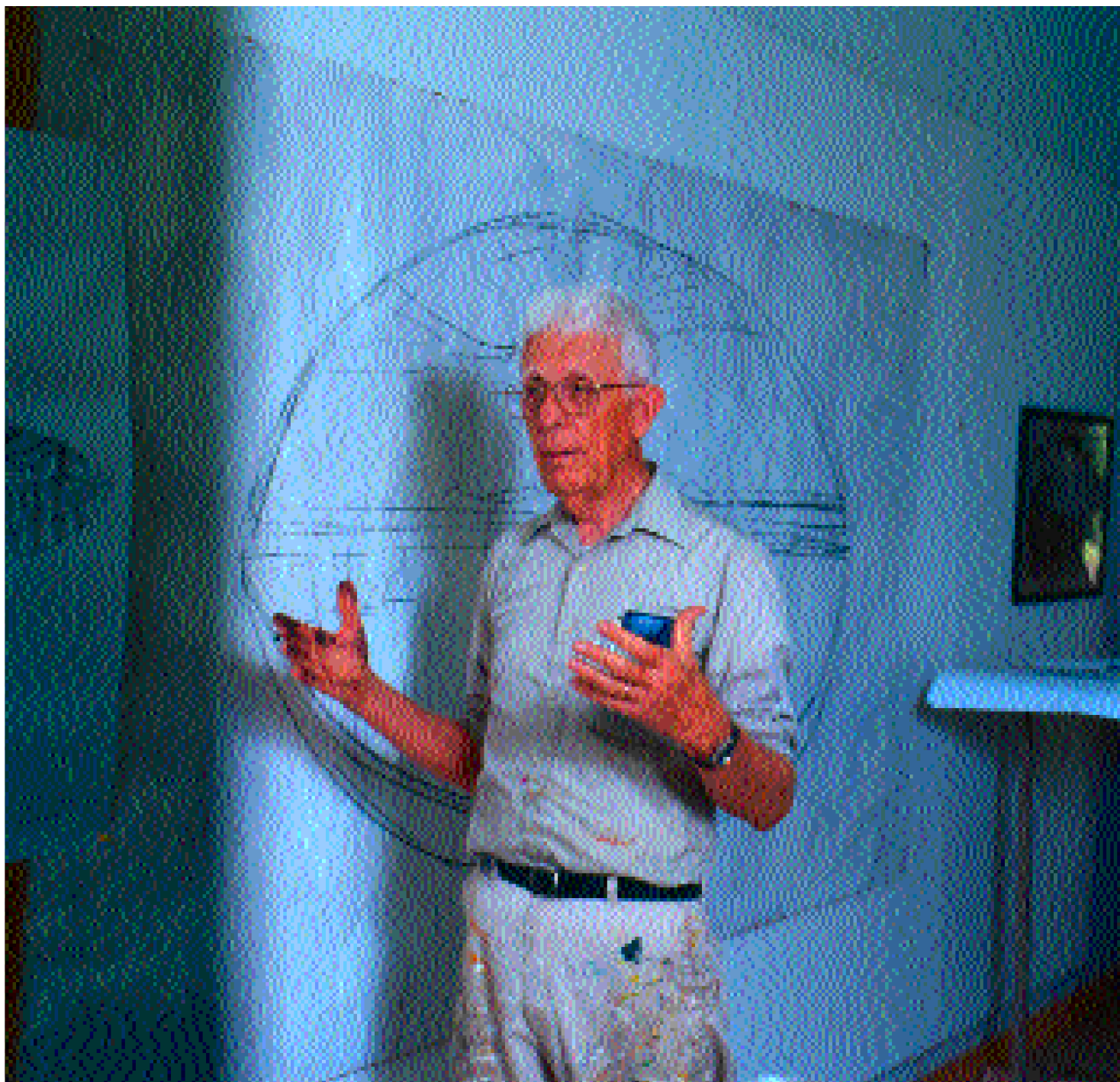
Maintenance and materials summaries provide the commissioning agency with a record of what materials have been used and what routine maintenance may be necessary for the artwork. They should include color samples, specifications, and a complete description of materials. This information should be provided after the artwork is installed and should include "as-built" drawings if appropriate. This information should be filed permanently in the commissioning agency's office and be available for future reference.

Artists should be given the opportunity to perform routine maintenance after project installation, for an appropriate fee. If projects continually require maintenance over and above what might be expected, programs should work with the artist to eliminate maintenance problems. Also, at some point, a program might be faced with the reality of not being able to continue repair; preventive options should be developed to avoid having to consider de-accession.

*Photo documentation* is often required with materials and maintenance summaries. This provides a

permanent record of the piece at its installation and helps to document materials, techniques, and conditions over time. Images are also useful for publicity purposes. To ensure consistency from project

to project, it is helpful to have one person provide photo documentation for all projects.



Elmore Morgan, Jr; painter; Maurice, Louisiana